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Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

EXAMINER

JONES, MARCUS D

ART UNIT	PAPER NUMBER
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3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,167	Applicant(s) TEREBILO, YAKIR	
	Examiner MARCUS D. JONES	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>IDS (6 June 2007), IDS (13 September 2007), IDS (20 August 2008)</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 1 recites "...connection to the server (TCP/IP connection, iMode, FOMA, Wi-Fi technologies)." It is unclear list in parentheses is meant to be examples of server connections or limitations on the server connections. Appropriate correction is required.

Similar discrepancies are found in claims 2, 5, and 6. Appropriate correction is required.

Claim 11 recites that the "system of claim 1 may also use HSDPA..." The use of the word may is indefinite since it is unclear if HSDPA is used by the system.

Claim 12 recites "...game –Multi-access allows subscribers..." The syntax of the claim is confusing. It is unclear if the claim is attempting to positively claim multi-access.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 8, 10, 12, 13, 16, 17, 19-24, and 28 are rejected under 35

U.S.C. 102(b) as being anticipated by Rautila (US 6,524,189).

In reference to claim 1, Rautila discloses: A network game system implemented over a wireless data network, enabling real time simultaneous game sessions of a multiple players, said system comprised of: at least one network server for managing and controlling game sessions including the core game application wherein parallel sessions of the game are performed simultaneously; at least two wireless devices having a first transceiver enabling wireless connection to the server (col 2, ln 46-58, *game server provides a game across the network and base station to the at least one mobile phone for play on the game units. The mobile phone also having a first transceiver for providing connections to a cellular network*).

In reference to claim 2, Rautila discloses: wherein the wireless device further includes a second transceiver enabling short range communication with other wireless devices (col 2, ln 51-54, *second transceiver for short-haul connectivity*).

In reference to claim 3, Rautila discloses: game console devices communicating with the wireless devices or directly connected to the backbone network (col 4, ln 58-61, *The mobile telephones are connected to each other by a short range radio communication link, or , alternatively, through the public land mobile network*).

In reference to claim 7, Rautila discloses: a base station, and a game server, wherein the cellular network interconnects the base station and the game server, and wherein the mobile phone communicates with the game server via the base station

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utilizing the first transceiver (col 3, ln 49-56, *the network includes a number of base stations. Each base station has a radio transceiver capable of transmitting and receiving radio signals to and from associated cells. The base station can communicate with the mobile station in each cell*).

In reference to claim 8, Rautila discloses: wherein the network server may support one of the following services: SMS, email, MMS, video (col 4, ln 30-31, *mobile phone downloads email messages*).

In reference to claims 10 and 13, Rautila discloses: wherein the users are divided into groups, each group having a specific IP range (col 5, ln 37-47, *The playing devices may be "chosen" using group selector interface in a group selection process, for two or more players to be configured into a single group of players that will play a single game. The player can address with whom they want to play, especially in a location where there are many combinations to player possible.*) The Examiner submits that it is inherent in a local area network to assign a specific number of IP addresses.

In reference to claim 12, Rautila discloses that two communication channels can be opened and used for data access or for telephone services (col 4, ln 22-24).

In reference to claims 16 and 17, Rautila discloses using the game system in conjunction with wireless mobile phones that have speakers, microphones, controllers and displays (col 2, ln 59-67).

In reference to claims 19 and 20, Rautila discloses: wherein the game continues uninterrupted, while at least one user is in offline mode enabling the user to return to online mode at any time and to continue the game with no effect on user's or other

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players' game experience and wherein the system provides the users with information status of other players (col 6, ln 1-35).

In reference to claims 21, 22, 23 and 24, Rautila discloses a random selection of one of the users participating in a game to function as a mirror to the game server that stores and transmits game information of the users (col 5, ln 37-47, *The playing devices may be "chosen" using group selector interface in a group selection process, for two or more players to be configured into a single group of players that will play a single game. The player can address with whom they want to play, especially in a location where there are many combinations to player possible.*).

In reference to claim 28, Rautila discloses that the application, like a game, is then possible to download to the mobile phone (col 4, ln 25-27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 11, 14, 25, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (US 6,524,189).

In reference to claim 11, Rautila discloses using packet data networks (col 3, ln 66-67) in connection with a GSM network (col 3, ln 43-47). The Examiner submits that it is old and well known in the art to use HSDPA technology to transfer data in a GSM network.

In reference to claim 14, Rautila discloses that the mobile phone includes a display (see Figure 2, lead line 220), but does not specifically disclose a touch screen interface. The Examiner submits that it is old and well known in the art to substitute a touch screen interface for a regular display screen.

In reference to claims 25, 26 and 29, Rautila discloses a keypad for user input and a display for displaying information concerning the game on a mobile phone which are controlled by a controller (col 2, ln 59-63).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (US 6,524,189), and further in view of Anttila et al. (US PGPub 2003/0114224).

In reference to claim 4, Rautila discloses the invention substantially as claimed except for a player database that comprises profile and history data. Anttila teaches a network with a database that stores player information and state (pg 2, par 17).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Rautila in view of Anttila so that more complicated

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games could be player on the gaming networks which can offer a user more variety such as high score record tracking and prizes by keeping track of user accounts.

7. Claims 5, 6, 9, 15, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (US 6,524,189), and further in view of Sinclair et al (US 6,554,707).

In reference to claims 5 and 6, Rautila discloses the invention substantially as claimed except for location based gaming. Sinclair teaches location based gaming properties which identify the real location of the user and changes entities of the virtual game to correspond to the real location (col 11, ln 17-27).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Rautila in view of Sinclair to incorporate the location of the user to make game play more interesting and reduce processing time.

In reference to claims 9 and 27, Rautila discloses the invention substantially as claimed except for predictive technologies. Sinclair teaches predictive technologies to predict the user's next move and providing advance data in the system (col 2, ln 32-35 and col 11, ln 32-38).

In reference to claim 15, Rautila discloses the invention substantially as claimed except for voice operated interface for playing the game. Sinclair teaches that voice commands can be translated to game instructions by an interactive voice response unit (col 2, ln 1-3).

In reference to claim 18, Rautila discloses the invention substantially as claimed except for a camera. Sinclair teaches that a user has access to data and image/video services (see Figure 1 and col 3, ln 59-61).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS D. JONES whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/

/John M Hotaling II/

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Supervisory Patent Examiner, Art
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